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JUN 16 2004

FACSIMILE TRANSMISSION

CONFIDENTIAL

DATE: 6/16/04

ATTORNEY DOCKET NO: 23540-67445US

UC Ref: 2001-072-2

To:

NAME	FAX No.	PHONE No.
USPTO MS Amendment	703.872.9306	

FROM: Susan T. Hubl, Ph.D.
Patent Agent

PHONE: (415) 875-2316

NUMBER OF PAGES WITH COVER PAGE: 14 ORIGINAL WILL NOT FOLLOW

MESSAGE:

Response to Office Action
USPN 09/955,663

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T-009 P.002

F-340

JUN 16 2004

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0001/PTO Rev. 10/95		U.S. Department of Commerce Patent and Trademark Office		Application Number	09/955,663
TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>				Filing Date	September 19, 2001
				First Named Inventor	Rocke et al.
				Group Art Unit Number	1631
				Examiner Name	Cheyne D. Ly
Total Number of Pages in This Submission	14	Attorney Docket Number	23540-07445US (UC Ref. 2001-072-2)		

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Request for Correction of Recorded Assignment <input checked="" type="checkbox"/> Amendment/Response: [10] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> FAX COVER SHEET <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

REMARKS:

SIGNATURE OF ATTORNEY OR AGENT	
Signature:	<i>Susan T. Hubl</i>
Attorney/Reg. No.:	Susan T. Hubl, Ph.D. Patent Agent/ 47,668
Dated:	6/16/04

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.	
Signature:	<i>Susan T. Hubl</i>
Typed or Printed Name:	Susan T. Hubl, Ph.D. Patent Agent
Dated:	6/16/04
Facsimile Number:	1-703-872-9306

23540/07445/SF/5123123.1
06/16/04

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 210.00)

Complete if Known

Application Number	09/855,663
Filing Date	September 19, 2001
First Named Inventor	Rocke et al.
Examiner Name	Cheyne D. Ly
Art Unit	1631
Attorney Docket No.	23540-07445US (UC Ref: 2001-072-2)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number

19-2555

Deposit Account Name

Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0.00)				

*or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	210
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

SUBTOTAL (3) (\$ 210.00)

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type) Susan T Hubl, Ph.D. Patent Agent

Registration No. (Attorney/Agent)

47,668

Complete (if applicable)

Telephone (415) 875-2316

Signature

Susan T Hubl

Date

6/16/04

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Examiner Name	Cheyne D. Ly
Art Unit	1631
Attorney Docket No.	23540-07445US (UC Ref: 2001-072-2)

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FEE CALCULATION (continued)

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Other fee (specify)

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SUBMITTED BY

Name (Print/Type)	Susan T Hubl, Ph.D. Patent Agent	Registration No. (Attorney/Agent)	47,668	Complete (if applicable)	Telephone (415) 875-2316
Signature	Susan T Hubl			Date	6/16/04

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T-009 P.005/014 F-340

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JUN 16 2004

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANT(S):	David M. Roche
APPLICATION NO.:	09/955,663
FILING DATE:	September 19, 2001
TITLE:	Method for Determining Measurement Error for Nucleic Acid Microarrays
EXAMINER:	Cheyne D. Ly
GROUP ART UNIT:	1631
ATTY. DKT. NO.:	23540-07445US (UC Ref 2001-072-2)
CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being transmitted on the date shown below via facsimile to the attention of: Examiner Cheyne D. Ly at facsimile number 703-872-9306.	
<u>6/16/04</u> Date	<u>Susan T. Hubl</u> Susan T. Hubl, Ph.D., Reg. No.: 47,668

MAIL STOP AMENDMENT
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE (37 C.F.R. § 1.111)

SIR:

Responsive to the Office Action dated January 16, 2004, received in the above-identified patent application, please enter the following amendments, and consider the accompanying remarks. Included with this Response is a Request for Extension of Time for two (2) months and the appropriate fee. This Response therefore is timely filed. Applicant respectfully requests reconsideration of the claims in the above-identified application in view of the following amendments and remarks for the purpose of putting the application in condition for allowance.

Amendments to the Claims begin on page 2. Remarks begin on page 5.

23540/07445/SF/5114416.1